IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 1132 OF 2004

Sanjay Kumar Chaudhary Gupta. ... Appellant.

Versus.

Bombay Municipal Corporation of
Greater Mumbai and another. ... Respondents.

Shri Asif Ali Siddiqui for the Appellant.

Ms.Geeta Joglekar for the Respondents.

CORAM : ABHAY S. OKA, J.

DATED : 25th April, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties. It is not in dispute that after the impugned order was passed by the trial Court, the suit structure has been demolished.

2. The learned Counsel appearing for the Appellant states that the action of demolition has been taken during the pendency of the Appeal and in breach of the directions given by the Apex Court.

3. The Appeal from Order takes exception to the Judgment and Order dated 23rd December 2004 passed by the trial Court in Notice of Motion No.5330 of 2004. The prayer in the said Notice of Motion is for prohibitory injunction restraining the Respondents from demolishing the suit structure. In view of the

subsequent demolition of the suit structure, nothing survives in this Appeal from Order and the same is accordingly dismissed. If the suit structure is demolished by the Respondents in alleged breach of the order passed by the Apex Court, it is for the Appellant to take appropriate proceedings in that behalf.

4. The parties to act on the authenticated copy of the order.

Judge.